AGENDA 9b
DATE 3·3·20

4814 Henry Street Norton Shores, Michigan 49441 www.nortonshores.org

February 26, 2020

Council Meeting of March 3, 2020
SUBJECT: Adoption of Zoning Ordinance Amendment – Accessory Structures

The Honorable Mayor
and
Members of the City Council

Ladies and Gentlemen:

Pursuant to the January 28, 2020 work session discussion, City Council is requested to consider a proposed amendment to Chapter 48 of the Code of Ordinances, Section 1081, regarding accessory structures. The proposed amendments are to create a sliding scale for property owners where the larger the parcel, the larger the maximum size of the accessory structure can be. Another amendment is to give the larger accessory structures a higher building height.

The Planning Commission held a public hearing at their meeting on February 11, 2020 and its passage was unanimously recommended to the Council. Subsequently, City Council had the zoning ordinance amendment introduced at their February 18, 2020 meeting. The City Council may use the attached resolution for their consideration.

Respectfully submitted,

Mark C. Meyers
City Administrator

MCM/tsw
Attachment

Norton Shores will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap or political beliefs or other legally protected characteristics.

CITY OF NORTON SHORES
4814 Henry Street
NORTON SHORES, MICHIGAN 49441

Ordinance No.

AN ORDINANCE TO AMEND ARTICLE VI OF CHAPTER 48 OF THE CODE OF ORDINANCES PERTAINING TO ACCESSORY USES

THE CITY OF NORTON SHORES ORDAINS:

Section 1. That Subsection (3) of Section 48-1081 captioned "Accessory buildings" of Article VI captioned "Accessory Uses" of Chapter 48 captioned "Zoning" of the Code of Ordinances for the City of Norton Shores is hereby amended so as to delete the last two sentences and add a new size schedule to read as follows:

A detached accessory building may occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard. The maximum allowable size of a detached accessory structure shall be based on the size of the parcel as follows:

Detached accessory structure maximum size	
Parcel size	**Maximum allowable size**
Less than 1 acre	1,000 square feet
1 acre to 2.49 acres	1,250 square feet
2.5 acres to 4.9 acres	1,500 square feet
5 acres to 6.9 acres	1,750 square feet
7 acres or larger	2,000 square feet

Section 2. That Subsection (4) of Section 48-1081 captioned "Accessory buildings" of Article VI captioned "Accessory Uses" of Chapter 48 captioned "Zoning" of the Code of Ordinances for the City of Norton Shores is hereby amended to delete the phrase "...which is 14 feet or less in height..." to read as follows:

No detached accessory building shall be located closer than six feet to any main building, nor shall it be located closer than five feet to any side or rear lot line.

Section 3. That Subsection (5) of Section 48-1081 captioned "Accessory buildings" of Article VI captioned "Accessory Uses" of Chapter 48 captioned "Zoning" of the Code of Ordinances for the City of Norton Shores is hereby amended to add additional language pertaining to the heights of accessory structures to read as follows:

No detached accessory building in the zoning districts R-1 through R-5, CR-6, PO, GO, or C-1 districts shall exceed one story or 14 feet in height, unless the accessory structure exceeds 1,250 square feet. No accessory structure greater than 1,250 square feet shall exceed 16 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to planning commission review and approval.

Section 4. Severability: The provisions of these ordinances are declared to be severable in the holding of any court of competent jurisdiction that any section hereof is invalid and shall not impair or invalidate any other section.

Section 5. Repeal of Conflicting Ordinances: All ordinances in conflict with these ordinances to the extent of such conflict are hereby repealed.

Section 6. Effective Date: These ordinances will become effective ten (10) days after their adoption.

_____

Shelly Stibitz, City Clerk

Introduced: February 18, 2020
Adopted:
Published:
Effective:

city of Norton Shores

Internal Memo

February 26, 2020

TO: City Council Members

FROM: Ted Woodcock, Planning and Zoning Administrator

SUBJECT: Zoning ordinance amendment, Section 48-1081, Accessory buildings

Following please find comments regarding the zoning ordinance amendment for Section 48-1081, Accessory buildings.

INTRODUCTION

Section 48-1081 of the Norton Shores Code of Ordinances outlines the requirements for accessory structures, most notably their placement on a property, as well as the maximum allowable dimensions (size, height, lot coverage). Currently all properties in the City are allowed a maximum of two (2) accessory structures. One of the 2 has a maximum of 1,000 square feet, while the second cannot exceed 200 square feet. Recently, the Zoning Board of Appeals has heard and approved 2 variance requests for larger accessory structures on larger parcels, and I have fielded many more phone calls inquiring about the maximum size that an accessory building is allowed to be. A member of the Zoning Board of Appeals has requested that a draft ordinance be written to have larger accessory structures allowed on larger parcels.

CHANGE & REASONING

I am proposing a sliding scale for determining the maximum size of one of the 2 allowable accessory structures. Meaning the larger the parcel of land, the bigger the detached accessory structure would be allowed to be. I have also proposed that the maximum size allowed for agricultural use be eliminated in favor of the sliding scale that is based solely on parcel size and not the zoning district or parcel use. The final proposed change is to the height of the accessory structure. When an accessory structure exceeds 1,250 square feet, the accessory structure would be allowed to have a building height of 16 feet. (Building height is defined by City ordinance as: "the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line for mansard roofs and to the average height between eaves and ridge for gable, hip, and gambrel roofs.")

The changes are being proposed due to, as aforementioned, a Zoning Board of Appeals member asking City staff to look into how the maximum allowable size of accessory structures align with neighboring communities. After my research, it became apparent that other communities use a sliding scale to determine accessory structure size. The proposed changes seek to make Norton Shores consistent with the practices of other municipalities and eliminate some variance requests.

Sec. 48-1081. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.

(2) Detached accessory buildings shall not be erected in any required yard, except a rear yard, or except a private garage may be constructed in a side yard if it maintains the regular side yards and setback distance required for a principal building.

(3) A detached accessory building may occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard. The maximum allowable size of a detached accessory structure shall be based on the size of the parcel as follows:

Detached accessory structure maximum size	
Parcel size	**Maximum allowable size**
Less than 1 acre	1,000 square feet
1 acre to 2.49 acres	1,250 square feet
2.5 acres to 4.9 acres	1,500 square feet
5 acres to 6.9 acres	1,750 square feet
7 acres or larger	2,000 square feet

(4) No detached accessory building shall be located closer than six feet to any main building, nor shall it be located closer than five feet to any side or rear lot line.

(5) No detached accessory building in the zoning districts R-1 through R-5, CR-6, PO, GO, or C-1 districts shall exceed one story or 14 feet in height, unless the accessory structure exceeds 1,250 square feet. No accessory structure greater than 1,250 square feet shall exceed 16 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to planning commission review and approval.

(6) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.

(7) When an accessory building in any residence, business or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the planning commission.

(8) An existing detached accessory structure may not be structurally attached to a principal structure if the distance between the two structures is greater than 15 feet.

(Ord. No. 369, § 15.500(6.100(1)—(7)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 749, §§ 2, 3, 2-5-2013)